

Serial No. 10/657,524

Amdt. in Response to Office Action mailed Dec. 31, 2007

UTILITY PATENT

B&amp;D No. TN3481

RECEIVED  
CENTRAL FAX CENTER

MAR 31 2008

REMARKS

Applicant wishes to extend his sincere thanks to the Examiner for conducting a telephonic interview with the Applicant's attorney on March 28 and 31, 2008 to clarify the issues raised in the Office Action. The present amendment addresses the issues raised in the Office Action and during the interview.

Applicant has amended Claim 1.

Currently pending in the application are Claims 1-9 and 17-18.

The Examiner rejected Claims 1, 6-9 and 18 under 35 USC 102(b) as anticipated by EP 0 752 300 ("EP '300"). In addition, the Examiner rejected Claim 17 under 35 USC § 103(a) as being unpatentable over EP '300. Reconsideration and withdrawal of these rejections are respectfully requested.

The Examiner has argued that the claimed auxiliary fence is the "upper, reduced cross-section portion of component 40." However, it is unclear whether the Examiner refers to the portion disposed below reference numeral "32" in FIG. 4 of EP '300 or to the portion to the left of such numeral. Applicants will discuss both possibilities.

Referring to the attached Exhibit A, the top drawing shows a workpiece disposed against the portion disposed below reference numeral "32" in FIG. 4 of EP '300. Similarly, the bottom drawing shows a workpiece disposed against the portion to the left of reference numeral "32" in FIG. 4 of EP '300. As shown in both figures, the blade 18 is moved to its rearmost position. Accordingly, blade 18 will not fully cut the workpiece in between the component 40 and blade 18. Such uncut portions are shown in dashes.

MAR 31 2008

Serial No. 10/657,524

Amdt. in Response to Office Action mailed Dec. 31, 2007

UTILITY PATENT

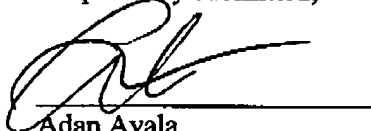
B&amp;D No. TN3481

By contradistinction, Claim 1 requires that "the blade fully cut[] a workpiece completely disposed within a first distance between the auxiliary fence and a first forwardmost edge of the blade." Because the arrangement of EP '300 does not provide for such cutting capacity, EP '300 cannot anticipate or render unpatentable Claim 1 and its dependent claims.

In view of the foregoing, Claims 1-9 and 17-18 are patentable and the application is believed to be in condition for formal allowance.

No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Adan Ayala

PTO Reg. No. 38,373

Attorney for Applicants

Adan Ayala - TW-199  
The Black & Decker Corporation  
701 East Joppa Road  
Towson, Maryland 21286  
(410) 716-2368

